

**BEFORE THE
PHYSICIAN ASSISTANT EXAMINING COMMITTEE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation against:

**ALIAKBAR ALAVI, P.A.
License No. #PA-12223**

Respondent.

No: 1E-93-29287

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Physician Assistant Examining Committee, Department of Consumer Affairs, State of California.

This Decision shall become effective on September 4, 1998.

DATED August 5, 1998.

PHYSICIAN ASSISTANT EXAMINING COMMITTEE


Steven Johnson, PA-C, Chair

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 KAREN B. CHAPPELLE,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013-1204
Telephone: (213) 897-2575

5 Attorneys for Complainant
6

7 **BEFORE THE**
8 **PHYSICIAN ASSISTANT EXAMINING COMMITTEE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation)	Case No. 1E-93-29287
12 Against:)	
13 ALIAKBAR P.A ALAVI)	OAH No. D-5367
14 18611 Keswick Street)	STIPULATED SETTLEMENT
15 Reseda, California 91335)	AND
16 Physician Assistant Certificate No.)	DISCIPLINARY ORDER
17 PA-12223,)	
18 Respondent.)	

18 IT IS HEREBY STIPULATED AND AGREED by and between the
19 parties to the above-entitled proceedings that the following
20 matters are true:

21 1. An Accusation in case number 1E-93-29287 was filed
22 with the Physician Assistant Examining Committee, of the Medical
23 Board of California Department of Consumer Affairs (the
24 "Committee") on October 13, 1995, and is currently pending
25 against Aliakbar P.A Alavi (the "respondent").

26 2. The Accusation, together with all statutorily
27 required documents, was duly served on the respondent on or about

1 October 13, 1995, and respondent filed his Notice of Defense
2 contesting the Accusation on or about November 20, 1995. A copy
3 of Accusation No. D-5367 is attached as Exhibit "A" and hereby
4 incorporated by reference as if fully set forth.

5 3. The Complainant, Ray E. Dale, is the Executive
6 Officer of the Physician Assistant Examining Committee and
7 brought this action solely in his official capacity. The
8 Complainant is represented by the Attorney General of California,
9 Daniel E. Lungren, by and through Deputy Attorney General Karen
10 B. Chappelle.

11 4. The respondent is represented in this matter by
12 Lawrence Levy, Esq., whose address is 14724 Ventura Blvd. Suite
13 906, Sherman Oaks, Calif. 91403.

14 5. The respondent and his attorney have fully
15 discussed the charges contained in Accusation number D-5367 and
16 the respondent has been fully advised regarding his legal rights
17 and the effects of this stipulation.

18 6. At all times relevant herein, respondent has been
19 licensed by the Physician Assistant Examining Committee under
20 Physician Assistant Certificate No. PA-12223.

21 7. Respondent understands the nature of the charges
22 alleged in the Accusation and that, if proven at hearing, the
23 charges and allegations would constitute cause for imposing
24 discipline upon his Physician Assistant Certificate. Respondent
25 is fully aware of his right to a hearing on the charges contained
26 in the Accusation, his right to confront and cross-examine
27 witnesses against him, his right to the use of subpoenas to

1 compel the attendance of witnesses and the production of
2 documents in both defense and mitigation of the charges, his
3 right to reconsideration, appeal and any and all other rights
4 accorded by the California Administrative Procedure Act and other
5 applicable laws. Respondent knowingly, voluntarily and
6 irrevocably waives and give up each of these rights.

7 8. Respondent admits the truth of each and every
8 allegation of the Accusation No. D-5367, and agrees that
9 respondent has thereby subjected his Physician Assistant
10 Certificate to disciplinary action. Respondent agrees to be
11 bound by the Committee's Disciplinary Order as set forth below.

12 9. Based on the foregoing admissions and stipulated
13 matters, the parties agree that the Committee shall, without
14 further notice or formal proceeding, issue and enter the
15 following order:

16
17 DISCIPLINARY ORDER

18 IT IS HEREBY ORDERED that Physician Assistant
19 Certificate number PA-12223 issued to Aliakbar P.A Alavi is
20 revoked. However, the revocation is stayed and respondent is
21 placed on probation for three years on the following terms and
22 conditions. (1) ACTUAL SUSPENSION As part of probation,
23 respondent is suspended from the practice of medicine as a
24 physician assistant for ~~one month~~ ^{60 days}, beginning the effective date
25 of this decision. ~~two weeks~~ ~~one month~~ ~~three months~~ ~~four months~~ ~~five months~~ ~~six months~~ ~~seven months~~ ~~eight months~~ ~~nine months~~ ~~ten months~~ ~~eleven months~~ ~~twelve months~~ AAA

26 1. CONTROLLED DRUGS - TOTAL RESTRICTIONS Respondent
27 shall not administer, order, transmit orally or in writing on a

1 patient's record or hand to a patient, or possess any controlled
2 substances as defined in the California Uniform Controlled
3 Substances Act. (1) CONTROLLED DRUGS - MAINTAIN RECORD

4 Respondent shall maintain a record of all controlled substances
5 administered, transmitted orally or in writing on a patient's
6 record or handed to a patient by the respondent during probation
7 showing all the following: 1) the name and address of the
8 patient, 2) the date, 3) the character and quantity of controlled
9 substances involved, and 4) the indications and diagnosis for
10 which the controlled substance was furnished, 5) the name of
11 supervising physician prescriber.

12 Respondent shall keep these records in a separate file
13 or ledger, in chronological order, and shall make them available
14 for inspection and copying by the Physician Assistant Examining
15 Committee or its designee, upon request and without charge.

16 a. COMMUNITY SERVICES - FREE SERVICES Within 60
17 days of the effective date of this decision, respondent shall
18 submit to the Physician Assistant Examining Committee or its
19 designee for its prior approval a community service program in
20 which respondent shall provide free^{non-} medical services on a regular^{AAA}
21 basis to a community or charitable facility or agency for at
22 least 20 hours a month for the first six months of probation.

23 2. EDUCATION COURSE Within 90 days of the effective
24 date of the decision, and on an annual basis thereafter,
25 respondent shall submit to the Physician Assistant Examining
26 Committee or its designee for its prior approval an educational
27 program or course from an accredited program which shall not be

1 less than 100 hours per year (60 hours Category 1 CME and 40
2 hours Category 2 CME), for each year of probation. Respondent
3 shall participate in the education course at his own expense.
4 Respondent shall provide proof of attendance and satisfactory
5 completion for the annual 100 hours per year of continuing
6 medical education.

7 3. ETHICS COURSE Within three months of the
8 effective date of this decision, respondent shall submit to the
9 Committee or its designee for its prior approval a course in
10 ethics, which respondent shall successfully complete during the
11 first year of probation. Respondent shall participate in the
12 ethics course at his own expense.

13 4. CLINICAL TRAINING PROGRAM Within 90 days of the
14 effective date of this decision, respondent shall submit to the
15 Committee or its designee for its prior approval, an intensive
16 clinical training program which shall include the exact number of
17 hours and the specific content of the program. Respondent shall
18 participate in the clinical training program at his own expense.
19 Respondent shall successfully complete the training program and
20 may be required to pass an examination administered by the
21 Committee or its designee related to the program's contents.

22 (1) MONITORING/SUPERVISION Within 30 days of
23 the effective date of this decision, respondent shall submit to
24 the Committee or its designee for its prior approval a plan of
25 practice in which respondent's practice shall be monitored by an
26 approved supervising physician responsible for patients treated
27 by the physician assistant.

1 If the supervising physician/monitor resigns or is no
2 longer available, respondent shall, within 15 days, move to have
3 a new supervising physician/monitor appointed, through nomination
4 by respondent and approval by the Committee.

5 Respondent shall not practice as a physician assistant
6 until a supervising physician is approved by the Committee.

7
8 5. MAINTENANCE OF PATIENT MEDICAL RECORDS Respondent
9 shall keep written medical records on all patient contacts
10 (including all visits and phone calls).

11 All medical records originated by the respondent shall
12 be reviewed, initialed, and dated daily by the supervising
13 physician.

14 This condition shall be valid for the duration of the
15 probationary term.

16 6. ON-SITE SUPERVISION Respondent shall have at all
17 times on-site supervision by an approved supervising physician.

18 7. CASE-BY-CASE REVIEW OF PATIENT All medical records
19 originated by the respondent shall be reviewed, initialed, and
20 dated daily by the supervising physician on a case-by-case basis.

21 The patient's condition shall be reviewed by the
22 supervising physician prior to the patient leaving the facility.

23 This condition shall be valid for the duration of the
24 probationary period.

25 8. MAINTENANCE AND REVIEW OF DRUG RECORDS BY SUPERVISING
26 PHYSICIAN Respondent shall have partial drug restrictions, with
27 maintenance and review of drug records by the supervising

1 physician. The following restrictions shall apply:

2 a. NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN

3 Respondent shall notify his current and any subsequent
4 employer and supervising physician(s) of his discipline and
5 provide a copy of the Stipulation, Decision, and Order to
6 each such employer and supervising physician(s) during his
7 period of probation, at the onset of that employment.
8 Respondent shall ensure that each employer informs the
9 Physician Assistant Examining Committee, or its agent, in
10 writing within thirty (30) days, verifying that the employer
11 and supervision physician(s) has been informed of this
12 Stipulation and Order.

13 9. FILE MONTHLY PROBATION REPORTS Respondent shall
14 submit monthly declarations under penalty of perjury on forms
15 provided by the Committee or its designee, stating whether there
16 has been compliance with all the conditions of probation.

17 10. OBEY ALL LAWS Respondent shall obey all federal,
18 state, and local laws, and all rules governing the practice of
19 medicine as a physician assistant in California.

20 11. QUARTERLY REPORTS Respondent shall submit
21 quarterly declarations under penalty of perjury on forms provided
22 by the Committee or its designee, stating whether there has been
23 compliance with all the conditions of probation.

24 12. SURVEILLANCE PROGRAM Respondent shall comply with
25 the Committee's probation surveillance program.

26 13. INTERVIEW WITH MEDICAL CONSULTANT Respondent shall
27 appear in person for interviews with the Committee's medical or

1 expert physician assistant consultant upon request at various
2 intervals and with reasonable notice.

3 14. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE The
4 period of probation shall not run during the time respondent is
5 residing or practicing outside the jurisdiction of California,
6 whether permanently or temporarily. If, during probation,
7 respondent moves out of the jurisdiction of California to reside
8 or practice elsewhere, including at federal facilities,
9 respondent is required to immediately notify the Committee in
10 writing within ten (10) days of the date of departure, and the
11 date of return, if any.

12 15. INITIAL PROBATION INTERVIEW Respondent shall appear
13 in person for an initial interview with a designee of the
14 Physician Assistant Examining Committee within 90 days of the
15 final decision. Respondent shall subject himself/herself to an
16 initial interview at a time and place determined by the Committee
17 or its designee.

18 16. UNANNOUNCED CLINICAL SITE VISIT At least once per
19 calendar year or more frequently as determined by the Committee
20 or its designee unannounced clinical site visits shall be made by
21 the Committee or its designee to ensure that respondent is
22 complying with all terms and conditions of probation.

23 17. COMPLETION OF PROBATION Upon successful completion
24 of probation as determined by the Committee's executive officer,
25 respondent's license will be fully restored.

26 18. VIOLATION OF PROBATION If respondent violates
27 probation in any respect, the Committee after giving respondent

1 notice and the opportunity to be heard, may revoke probation and
2 carry out the disciplinary order that was stayed. If an
3 accusation or petition to revoke probation is filed against
4 respondent during probation, the Committee shall have continuing
5 jurisdiction until the matter is final, and the period of
6 probation shall be extended until the matter is final. No
7 petition for modification or termination of probation shall be
8 considered while there is an accusation or petition to revoke
9 probation pending against respondent.

10 19. REIMBURSEMENT OF THE COMMITTEE As a condition of
11 probation, respondent shall reimburse the Physician Assistant
12 Examining Committee for investigative costs in the amount of \$.3K

13 CONTINGENCY

14 This stipulation shall be subject to the approval of
15 the Committee. Respondent understands and agrees that Committee
16 staff and counsel for complainant may communicate directly with
17 the Committee regarding this stipulation and settlement, without
18 notice to or participation by respondent or his counsel. If the
19 Committee fails to adopt this stipulation as its Order, the
20 stipulation shall be of no force or effect, it shall be
21 inadmissible in any legal action between the parties, and the
22 Committee shall not be disqualified from further action in this
23 matter by virtue of its consideration of this stipulation.

24 ACCEPTANCE

25 I have read the above Stipulated Settlement and
26 Disciplinary Order. I have fully discussed the terms and
27 conditions and other matters contained therein with my attorney,

1 Lawrence Levy. I understand the effect this Stipulated
2 Settlement and Disciplinary Order will have on my Physician
3 Assistant Certificate, and agree to be bound thereby. I enter
4 this stipulation freely, knowingly, intelligently and
5 voluntarily.

6 DATED: 3-25-96.

7
8 
9 ALIAKBAR P.A ALAVI
Respondent

10

11 I have read the above Stipulated Settlement and
12 Disciplinary Order and approve of it as to form and content. I
13 have fully discussed the terms and conditions and other matters
14 therein with respondent Aliakbar P.A Alavi.

15 DATED: 3-25-96.

16
17 
18 Lawrence Levy
Attorney for Respondent

19

20 ENDORSEMENT


21 The foregoing Stipulated Settlement and Disciplinary
22 Order is hereby respectfully submitted for the consideration of
23 the Physician Assistant Examining Committee, Medical Board of
24 California Department of Consumer Affairs.

25 DATED: March 25, 1996.

26

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DANIEL E. LUNGREN, Attorney General
of the State of California


10. Deputy Attorney General
Attorneys for Complainant

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KAREN B. CHAPPELLE
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 KAREN B. CHAPPELLE,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
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5 Attorneys for Complainant

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7 BEFORE THE
PHYSICIAN ASSISTANT EXAMINING COMMITTEE
8 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA
10

11 In the Matter of the Accusation) NO. 1E-93-29287
Against:)
12)
ALIAKBAR ALAVI P.A.,) ACCUSATION
13 18611 Keswick Street)
Reseda, California 91335)
14)
Physician Assistant Certificate No.)
15 PA-12223,)
16 Respondent.)
17

18 The Complainant alleges:

19 PARTIES

20 1. Complainant, Ray E. Dale, is the Executive Officer
21 of the Physician Assistant Examining Committee (hereinafter the
22 "Committee") and brings this accusation solely in his official
23 capacity.

24 2. On or about October 3, 1988, Physician Assistant
25 Certificate No. PA-12223 was issued by the Committee to Aliakbar
26 P.A Alavi (hereinafter "respondent"), and at all times relevant
27 to the charges brought herein, this license has been in full

1 force and effect. Unless renewed, it will expire on January 31,
2 1997.

3 JURISDICTION

4 3. This accusation is brought before the Physician
5 Assistant Examining Committee of the Medical Board of California,
6 Department of Consumer Affairs (hereinafter the "Committee"),
7 under the authority of the following sections of the California
8 Business and Professions Code (hereinafter "Code"):

9 A. Section 3527 provides that:

10 "(a) The committee may order the denial of an
11 application for, or the issuance subject to terms and
12 conditions of, or the suspension or revocation of, or
13 the imposition of probationary conditions upon a
14 physician's assistant certificate after a hearing as
15 required in Section 3528 for unprofessional conduct
16 which includes, but is not limited to, a violation of
17 this chapter, a violation of the State Medical Practice
18 Act, or a violation of the regulations adopted by the
19 committee or the board.

20 "(b) The committee may order the denial of an
21 application for, or the suspension or revocation of, or
22 the imposition of probationary conditions upon, an
23 approved program after a hearing as required in Section
24 3528 for a violation of this chapter or the regulations
25 adopted pursuant thereto.

26 ""

27 B. Section 651 of the Code states in pertinent part:

1 "(a) It is unlawful for any person licensed
2 under this division or under any initiative act
3 referred to in this division to disseminate or cause to
4 be disseminated, any form of public communication
5 containing a false, fraudulent, misleading, or
6 deceptive statement or claim, for the purpose of or
7 likely to induce, directly or indirectly, the rendering
8 of professional services

9 "(b) A false, fraudulent, misleading, or
10 deceptive statement or claim includes a statement or
11 claim which does any of the following:

12 "(1) Contains a misrepresentation of fact.

13 "(2) Is likely to mislead or deceive because
14 of a failure to disclose material facts.

15 "

16 "(4) Relates to fees, other than a standard
17 consultation fee or a range of fees for specific
18 types of services, without fully and specifically
19 disclosing all variables and other material
20 factors

21 "(c) Any price advertisement shall be
22 exact, Price advertising shall not be
23 fraudulent, deceitful, or misleading, including
24 statements or advertisements of bait, discount,
25 premiums, gifts, or any statements of a similar nature.

26 "(g) Any violation of any provision of this
27 section by a person so licensed shall constitute good

1 cause for revocation or suspension of his or her
2 license or other disciplinary action.

3 ". . .

4 C. Section 725 of the Code provides in pertinent
5 part:

6 " Repeated acts of . . . clearly excessive
7 prescribing or administering of drugs or treatment,
8 repeated acts of clearly excessive use of diagnostic
9 procedures, or repeated acts of clearly excessive use
10 of diagnostic or treatment facilities as determined by
11 the standard of the community of licensees is
12 unprofessional conduct for a physician and
13 surgeon"

14 D. Section 810 of the Code provides in pertinent
15 part:

16 "(a) It shall constitute unprofessional conduct
17 and grounds for disciplinary action, including
18 suspension or revocation of a license or certificate,
19 for a health care professional to do any of the
20 following in connection with his professional
21 activities:

22 "(1) Knowingly present or cause to be
23 presented any false or fraudulent claim for the payment
24 of a loss under a contract of insurance.

25 "(2) Knowingly prepare, make, or subscribe
26 any writing, with intent to present or use the same, or
27 to allow it to be presented or used in support of any

1 such claim.

2 "(b) It shall constitute cause for revocation or
3 suspension of a license or certificate for a health
4 care professional to engage in any conduct prohibited
5 under Section 1871.1 or 1871.4 of the Insurance Code.

6 " (c) As used in this section, health care
7 professional means any person licensed or certified
8 pursuant to this division. . . .

9 E. Section 2261 of the Code provides in pertinent
10 part:

11 "Knowingly making or signing any certificate
12 or other document directly or indirectly related
13 to the practice of medicine or podiatry which
14 falsely represents the existence or nonexistence
15 of a state of facts, constitutes unprofessional
16 conduct.

17 F. Section 2262 of the Code provides in pertinent
18 part:

19 "Altering or modifying the medical
20 record of any person, with fraudulent intent,
21 or creating any false medical record, with
22 fraudulent intent, constitutes unprofessional
23 conduct.

24 ""

25 G. Section 2273 of the Code provides in pertinent
26 part:

27 "Except as otherwise allowed by law, the

1 employment of runners, cappers, steerers, or other
2 persons to procure patients constitutes unprofessional
3 conduct."

4 H. Section 2242 of the Code provides in pertinent
5 part:

6 "(a) Prescribing, dispensing, or furnishing
7 dangerous drugs as defined in Section 4211 without a
8 good faith prior examination and medical indication
9 therefor, constitutes unprofessional conduct. . . . "

10 I. Section 4227 of the Code provides in pertinent
11 part:

12 " (a) No person shall furnish any dangerous drug
13 or device except upon the prescription of a physician,
14 dentist, podiatrist, or veterinarian."

15 J. Section 4211 of the Code provides in pertinent
16 part:

17 "'Dangerous drug' means any drug unsafe for self-
18 medication, except veterinary drugs which are labeled
19 as such, and includes the following: (a) Any drug which
20 bears the legend: 'Caution: federal law prohibits
21 dispensing without prescription' or words of similar
22 import . . . (c) Any other drug . . . which by federal
23 or state law can be lawfully dispensed only on
24 prescription or furnished pursuant to Section 4240.

25 K. Sections 2018 and 3510 of the Code provide that
26 the Physician Assistant Examining Committee shall adopt,
27 amend, and repeal such regulations as may be necessary to

1 enable it to implement the provisions of Chapter 7.7, Code
2 sections 3500 to 3546, entitled the Physician Assistant
3 Practice Act, which is under its jurisdiction.

4 L. Section 3502 of the Code provides, in pertinent
5 part, that "[n]otwithstanding any other provision of law, a
6 physician assistant may perform those medical services as
7 set forth by the regulations of the board when such services
8 are rendered under the supervision of a licensed physician
9 or physicians approved by the board."

10 M. Physician Assistant Regulations contained in the
11 California Code of Regulations (hereinafter "Regulations"),
12 promulgated pursuant to Code sections 2018, 3502 and 3510,
13 have been in full force and effect during all dates relevant
14 to the instant accusation. (See Regulations section
15 1399.500.)

16 N. Regulations section 1399.521, subdivisions (c) and
17 (d), provide, in pertinent part, that "the committee
18 may . . . suspend [or] revoke . . . a physician's assistant
19 [license] for . . . [p]racticing as a physician's assistant
20 under a physician . . . who has not received the approval of
21 the board [or p]erforming medical tasks which exceed the
22 scope of practice of a physician's assistant as prescribed
23 by these regulations."

24 O. Regulations section 1399.541, subdivision (f)
25 provides, in pertinent part, that a physician assistant is
26 not authorized to prescribe medication.

27 P. Regulations section 1399.541, subdivision (h)

1 provides, in pertinent part, that "[a] physician assistant
2 may [a]dminister medication to a patient, or transmit
3 orally, or in writing on a patient's record, a prescription
4 for his or her medication. . . . The supervising
5 physician's prescription, transmitted by the physician
6 assistant, for any patient cared for by the physician
7 assistant, shall be based either on a patient-specific order
8 by the supervising physician or on written protocol which
9 specifies all criteria for the use of a specific drug. . . .
10 A physician assistant shall not provide or transmit a
11 prescription for a drug other than the drug specified in the
12 protocol, without a patient-specific order from a
13 supervising physician. At the direction and under the
14 supervision of a physician supervisor, a physician assistant
15 may hand to a patient of the supervising physician a
16 properly labeled prescription drug prepackaged by a
17 physician, a manufacturer, as defined in the Pharmacy Law,
18 or a pharmacist. In any case, the medical record of any
19 patient cared for by the physician assistant for whom the
20 physician's prescription has been transmitted or carried out
21 shall be reviewed and countersigned and dated by a
22 supervising physician within seven (7) days. A physician
23 assistant may not administer, provide or transmit a
24 prescription for controlled substances in Schedules II
25 through V inclusive without patient specific authority by a
26 supervising physician."

27 Q. Regulations section 1399.545, subdivision (a)

1 provides that as part of the supervision requirement imposed
2 on physician assistants, "[a] supervising physician shall be
3 available in person or by electronic communication at all
4 times when the physician assistant is caring for patients."

5 R. Regulations section 1399.545, subdivision (e),
6 subsection (3) provides, in pertinent part, that "[a]
7 physician assistant and his or her supervising physician
8 shall establish in writing guidelines for the adequate
9 supervision of the physician assistant which shall
10 include . . . (3) . . . protocols to govern the performance
11 of a physician assistant The minimum content for a
12 protocol as referred to in this section shall include
13 [guidelines regarding] drugs to recommend to the
14 patient . . . "

15 S. Regulations section 1399.545, subdivision (h)
16 provides, in pertinent part, that "[t]he supervising
17 physician has continuing responsibility to follow the
18 progress of the patient and to make sure that the physician
19 assistant does not function autonomously. The supervising
20 physician shall be responsible for all medical services
21 provided by a physician assistant under his or her
22 supervision."

23 T. Section 125 of the Code provides, in pertinent
24 part, as follows: "Any person, licensed under the provisions
25 of Division 1, 2, or 3 of this code is . . . subject to the
26 discipline provisions of this Code applicable to him, who
27 conspires with a person not so licensed to violate any

1 provision of this Code or who, with intent to aid or assist
2 such persons in violating such provisions: (a) Allows his
3 license to be used by such person. (b) Acts as his agent or
4 partner."

5 U. Section 125.3 provides, in part, that the Board
6 may request the administrative law judge to direct any
7 licensee found to have committed a violation or violations
8 of the licensing act, to pay the Board a sum not to exceed
9 the reasonable costs of the investigation and enforcement of
10 the case.

11 FIRST CAUSE OF ACTION

12 4. Respondent Aliakbar P.A Alavi is subject to
13 disciplinary action under section 3527, subdivision (a) in
14 conjunction with section 2234, subdivision (a) and 651
15 subdivision (a), (b), (c), and (g) of the Business and
16 Professions Code in that on or about October 1989 to August 1990
17 he disseminated or caused to be disseminated public
18 communications containing false, fraudulent, misleading and
19 deceptive statements related to the cost of physical examinations
20 for the purpose of inducing patients to seek and receive his
21 services. (See subdivisions (a), (b), (c) and (g) of section 651
22 of the Code.) The circumstances are as follows:

23 A. On or about October 3, 1989, respondent, through
24 his agent and partner, Advance Health Care International
25 (hereinafter "A.H.C.I."), entered into a contract with
26 California Tele-Marketing for the purpose of soliciting
27 patients for respondent's medical practice, Comprehensive

1 Medical Center (hereinafter "Comprehensive"), located in
2 Encino.

3 B. For the period on or about October 3, 1989 to
4 August 1990, California Tele-Marketing, through its
5 employees, placed telephone calls to prospective consumers
6 of medical services, offering medical examinations at
7 Comprehensive at no cost to them.

8 C. On or before November 1, 1989, P.H. was solicited
9 by telephone to make an appointment at Comprehensive,
10 located in Encino, for a physical examination and was
11 informed by the telephone solicitor that her examination
12 would be free of charge. P.H. responded to this
13 solicitation by undergoing physical examinations at
14 Comprehensive on or about November 1, 1989 and November 11,
15 1989. Comprehensive then billed P.H. for services exceeding
16 the examination solicited without having disclosed
17 beforehand that such services would be rendered and charged
18 to P.H.

19 D. On or before January 9, 1990, L.A.H. was solicited
20 by telephone to make an appointment at Comprehensive,
21 located in Encino, for a physical examination and was
22 informed by the telephone solicitor that her medical
23 insurance would pay for everything. L.A.H. responded to
24 this solicitation by undergoing physical examinations at
25 Comprehensive on or about January 9, 1990 and February 1,
26 1990. Her insurance company, Blue Shield, was billed
27 approximately \$769 for the medical examinations she received

1 at Comprehensive on or about January 9, 1990 and February 1,
2 1990, but paid only \$361. Comprehensive, acting through a
3 collection agency, demanded that L.A.H. pay the balance owed
4 of \$371.

5 E. On or before January 18, 1990, S.R. was solicited
6 by telephone to make an appointment at Comprehensive,
7 located in Encino, for a physical examination and was
8 informed by the telephone solicitor that whatever her
9 insurance company paid for the medical service would be
10 considered as payment in full. S.R. responded to this
11 solicitation by undergoing physical examinations at
12 Comprehensive on or about January 18, 1990 and February 1,
13 1990. Comprehensive then billed S.R. for services exceeding
14 the examination solicited without having disclosed
15 beforehand that such services would be rendered and charged
16 to S.R.

17 F. On or before August 4, 1990, M.E.B. was solicited
18 by telephone to make an appointment at Comprehensive,
19 located in Encino, for a physical examination. M.E.B.
20 responded to this solicitation by undergoing physical
21 examinations at Comprehensive on or about August 4, 1990,
22 August 11, 1990 and August 24, 1990. M.E.B. was billed
23 approximately \$1,900 for these services.

24 G. On or before October 6, 1990, J.R. was solicited
25 by telephone to make an appointment at Comprehensive,
26 located in Encino, for a physical examination and was
27 informed by the telephone solicitor that he would have to

1 pay only \$25, and that as to any balance due his insurance
2 company would be billed in a manner which would assure full
3 payment, even if his insurance policy did not cover the
4 actual expenses. J.R. responded to this solicitation by
5 undergoing physical examinations at Comprehensive on or
6 about October 6, 1990, October 13, 1990 and October 25,
7 1990. J.R. was charged approximately \$2,000 for these
8 services.

9 H. On or before November 5, 1990, R.P. was solicited
10 by telephone to make an appointment at Comprehensive,
11 located in Encino, for a physical examination and was
12 informed by the telephone solicitor that he would receive
13 this medical service for free. R.P. responded to this
14 solicitation by undergoing physical examinations at
15 Comprehensive on or about November 5, 1990 and November 10,
16 1990. Comprehensive then billed R.P. for services exceeding
17 the examination solicited without having disclosed
18 beforehand that such services would be rendered and charged
19 to R.P.

20 I. On or about May 19, 1989, Dr. Lee DeCady and Dr.
21 Hartley Aram, M.D., declaring themselves the sole owners
22 thereof, filed and received approval for a fictitious-name
23 permit which allowed them to use the name "Comprehensive
24 Medical Center."

25 SECOND CAUSE OF ACTION

26 5. Respondent is subject to disciplinary action under
27 section 3527, subdivision (a) in conjunction with section 2234,

1 subdivision (a) and section 2271 of the Code, in that during the
2 period October 1989 to August 1990 he violated section 2271 of
3 the Code, unprofessional conduct, by abetting false or misleading
4 advertizing by his agent and partner. The circumstances are set
5 forth in paragraph 4, subparagraph A through I, inclusive above
6 and are incorporated by reference herein as if fully set forth.

7 THIRD CAUSE OF ACTION

8 6. Respondent is subject to disciplinary action under
9 section 3527, subdivision (a) and 2273 in conjunction with
10 section 2234, subdivision (a) of the Code, in that during the
11 period October 1989 to August 1990 he committed unprofessional
12 conduct, by abetting the use of a steerer by his agent and
13 partner to procure patients for his medical practice. The
14 circumstances are set forth in paragraph 4, subparagraphs A-I,
15 inclusive above and are incorporated by reference herein as if
16 fully set forth.

17 FOURTH CAUSE OF ACTION

18 7. Respondent is subject to disciplinary action under
19 section 3527, subdivision (a), in conjunction with section 2234,
20 subdivision (a) and section 651, subdivisions (a), (b), (c) and
21 (g) of the Code, in that during the period October 1989 to August
22 1990 he disseminated or caused to be disseminated public
23 communications containing false, fraudulent, misleading and
24 deceptive statements related to the cost of physical examinations
25 for the purpose of inducing patients to seek and receive his
26 services. The circumstances are set forth in paragraph 4,
27 subparagraphs A-I, inclusive, above and are incorporated by

1 reference herein as if fully set forth.

2 FIFTH CAUSE OF ACTION

3 8. Respondent is subject to disciplinary action under
4 section 3527, subdivision (a) in conjunction with subdivision
5 (e), of section 2234 of the Code, in that during the period
6 October 1989 to August 1990 he violated section 2271 of the Code,
7 unprofessional conduct, by abetting false or misleading
8 advertizing by his agent and partner. The circumstances are set
9 forth in above numbered paragraph 4, subparagraphs A-I inclusive,
10 above and are incorporated by reference herein as if fully set
11 forth.

12 SIXTH CAUSE OF ACTION

13 9. Respondent is subject to disciplinary action under
14 section 3527, subdivision (a) in conjunction with sections 2234,
15 subdivision (a) and 725 of the Code by committing and aiding and
16 abetting acts of clearly excessive use of diagnostic procedures
17 on a patient. The circumstances are as follows:

18 (a) On or about November 1, 1989 and November 11,
19 1989, P.H. in response to a telephone solicitation,
20 visited respondent's place of practice, Comprehensive,
21 to obtain a routine physical examination.

22 (b) Respondent, acting with physician and surgeon
23 Dr. Lee DeCady, diagnosed and charted conditions which
24 did not exist (i.e., headache, poor peripheral
25 circulation, bronchitis, numbness of hands and feet)
26 and subjected P.H. to unnecessary diagnostic procedures
27 (i.e., cerebrovascular profiling, arterial tests, and

1 venous studies of legs), the cost of which he billed to
2 P.H. The circumstances are set forth in above lettered
3 paragraphs A-I, and are incorporated by reference
4 herein as if fully set forth.

5 SEVENTH CAUSE OF ACTION

6 10. Respondent is subject to disciplinary action under
7 section 3527, subdivision (a), in conjunction with sections 2234,
8 subdivision (a) and 725 of the Code by committing and aiding and
9 abetting acts of clearly excessive use of diagnostic procedures
10 on a patient. The circumstances are as follows: On or about
11 January 9, 1990 and February 1, 1990, L.A.H., in response to a
12 telephone solicitation, visited respondent's place of practice,
13 Comprehensive, to obtain a routine physical examination.
14 Respondent, acting with physician and surgeon Dr. Lee DeCady,
15 diagnosed and charted conditions which did not exist in L.A.H.
16 (i.e., chronic bronchitis, hypercholesterolemia, peripheral
17 vascular disease) and subjected L.A.H. to unnecessary diagnostic
18 procedures (i.e., arterial testing of lower and upper
19 extremities, carotid artery tests, complete blood count,
20 electrocardiogram, laboratory panels, pulmonary function test,
21 urinalysis, venipuncture, x-rays), the cost of which he billed to
22 L.A.H. The circumstances are set forth in above lettered
23 paragraphs A-I, and are incorporated by reference herein as if
24 fully set forth.

25 EIGHTH CAUSE OF ACTION

26 11. Respondent is subject to disciplinary action under
27 section 3527, subdivision (a), in conjunction with section 2234,

1 subdivision (a) and section 725 of the Code by committing and
2 aiding and abetting acts of clearly excessive use of diagnostic
3 procedures on a patient. The circumstances are as follows: On
4 or about January 18, 1990 and February 1, 1990, S.R., in response
5 to a telephone solicitation, visited respondent's place of
6 practice, Comprehensive, to obtain a routine physical
7 examination. Respondent, acting with his physician and surgeon
8 Dr. Lee DeCady, diagnosed and charted conditions which did not
9 exist in S.R. (i.e., acute and chronic bronchitis, anemia,
10 arthritis, cervicitis, depression, peripheral vascular disease)
11 and subjected S.R. to unnecessary diagnostic procedures (i.e.,
12 arterial testing of upper and lower extremities, carotid artery
13 tests, chest x-ray, electrocardiogram, pap smear, pelvic
14 ultrasound, pulmonary function studies, vascular studies), the
15 cost of which he billed to S.R.

16 NINTH CAUSE OF ACTION

17 12. Respondent is subject to disciplinary action under
18 section 3527, subdivision (a) in conjunction with section 2234,
19 subdivision (a) and 725 of the Code by committing and aiding and
20 abetting acts of clearly excessive use of diagnostic procedures
21 on a patient. The circumstances are as follows: On or about
22 August 4, 1990, August 11, 1990 and August 24, 1990, M.E.B., in
23 response to a telephone solicitation, visited respondent's place
24 of practice, Comprehensive, to obtain a routine physical
25 examination. Respondent, acting with physician and surgeon Dr.
26 Lee DeCady, diagnosed and charted conditions which did not exist
27 in M.E.B. (i.e., arthritis, heart murmur, hepatomegaly,

1 peripheral vascular disease, varices of lower extremities) and
2 subjected M.E.B. to unnecessary diagnostic procedures (i.e.,
3 abdominal tests, carotid artery test, chest x-ray, entire
4 laboratory panels, cervical lumbosacral spine test, vascular
5 studies), the cost of which he billed to M.E.B.

6 TENTH CAUSE OF ACTION

7 13. Respondent is subject to disciplinary action under
8 section 3527, subdivision (a), in conjunction with subdivision
9 (a), section 2234, subdivision (a) and 725 of the Code by
10 committing and aiding an abetting acts of clearly excessive use
11 of diagnostic procedures on a patient. The circumstances are as
12 follows: On or about October 6, 1990, October 13, 1990 and
13 October 25, 1990, J.R., in response to a telephone solicitation,
14 visited respondent's place of practice, Comprehensive, to obtain
15 a routine physical examination. Respondent, acting with
16 physician and surgeon Dr. Lee DeCady, diagnosed and charted
17 conditions which did not exist in J.R. (i.e., cephalalgia,
18 gastritis, headaches, hepatomegaly, peripheral vascular disease,
19 shortness of breath) and subjected J.R. to unnecessary diagnostic
20 procedures (i.e., abdominal ultrasound, pulmonary function-tests,
21 vascular studies), the cost of which he billed to J.R.

22 ELEVENTH CAUSE OF ACTION

23 14. Respondent is subject to disciplinary action under
24 section 3527, subdivision (a), in conjunction with section 2234,
25 subdivision (a) and 725 of the Code by committing and aiding and
26 abetting acts of clearly excessive use of diagnostic procedures
27 on a patient. The circumstances are as follows: On or about

1 November 5, 1990 and November 10, 1990, R.P., in response to a
2 telephone solicitation, visited respondent's place of practice,
3 Comprehensive, to obtain a routine physical examination.
4 Respondent, acting with physician and surgeon Dr. Lee DeCady,
5 diagnosed and charted conditions which did not exist in R.P.
6 (i.e., anemia, chest pain, depression, heart murmur,
7 hyperlipidemia, peripheral vascular disease, shortness of breath)
8 and subjected R.P. to unnecessary diagnostic procedures (i.e.,
9 full vascular studies, anemia workup), the cost of which he
10 billed to R.P.

11 TWELFTH CAUSE OF ACTION

12 15. Respondent is subject to disciplinary action under
13 section 3527, subdivision (a), in conjunction with section 2234,
14 subdivision (a) and 725 of the Code by committing and aiding and
15 abetting acts of clearly excessive use of diagnostic procedures
16 on a patient. The circumstances are as follows: On or about
17 November 16, November 24, and December 11, 1989, M.P., visited
18 respondent's place of practice, Comprehensive, to obtain a
19 routine physical examination. Respondent, acting with physician
20 and surgeon Dr. Lee DeCady, diagnosed and charted conditions
21 which did not exist in M.P. (i.e., chest pain, hyperthyroidism,
22 irritable colitis, ischemic heart disease) and subjected M.P. to
23 unnecessary diagnostic procedures (i.e., arterial testing of
24 lower and upper extremities, carotid artery tests,
25 electrocardiogram, laboratory panels), the cost of which he
26 billed to M.P.

/

THIRTEENTH CAUSE OF ACTION

16. Respondent is subject to disciplinary action under section 3527, subdivision (a), in conjunction with subdivision (b) of section 2234 of the Code, for gross negligence, in that he excessively used diagnostic procedures under the circumstances regarding P.H. described in above numbered paragraph 9 which is incorporated by reference herein as if fully set forth.

FOURTEENTH CAUSE OF ACTION

17. Respondent is subject to disciplinary action under section 3527, subdivision (a), in conjunction with subdivision (b) of section 2234 of the Code, for gross negligence, in that he excessively used diagnostic procedures under the circumstances regarding L.A.H. described in above numbered paragraph 10 which is incorporated by reference herein as if fully set forth.

FIFTEENTH CAUSE OF ACTION

18. Respondent is subject to disciplinary action under section 3527, subdivision (a), in conjunction with subdivision (b) of section 2234 of the Code, for gross negligence, in that he excessively used diagnostic procedures under the circumstances regarding S.R. described in above numbered paragraph 11 which is incorporated by reference herein as if fully set forth.

SIXTEENTH CAUSE OF ACTION

19. Respondent is subject to disciplinary action under section 3527, subdivision (a), in conjunction with subdivision (b) of section 2234 of the Code, for gross negligence, in that he excessively used diagnostic procedures under the circumstances

1 regarding M.E.B. described in above numbered paragraph 12 which
2 is incorporated by reference herein as if fully set forth.

3 SEVENTEENTH CAUSE OF ACTION

4 20. Respondent is subject to disciplinary action under
5 section 3527, subdivision (a), in conjunction with subdivision
6 (b) of section 2234 of the Code, for gross negligence, in that he
7 excessively used diagnostic procedures under the circumstances
8 regarding J.R. described in above numbered paragraph 13 which is
9 incorporated by reference herein as if fully set forth.

10 EIGHTEENTH CAUSE OF ACTION

11 21. Respondent is subject to disciplinary action under
12 section 3527, subdivision (a), in conjunction with subdivision
13 (b) of section 2234 of the Code, for gross negligence, in that he
14 excessively used diagnostic procedures under the circumstances
15 regarding R.P. described in above numbered paragraph 14 which is
16 incorporated by reference herein as if fully set forth.

17 NINETEENTH CAUSE OF ACTION

18 22. Respondent is subject to disciplinary action under
19 section 3527, subdivision (a) in conjunction with subdivision (b)
20 of section 2234 of the Code, for gross negligence, in that he
21 excessively used diagnostic procedures under the circumstances
22 regarding M.P. described in above numbered paragraph 15 which is
23 incorporated by reference herein as if fully set forth.

24 TWENTIETH CAUSE OF ACTION

25 23. Respondent is subject to disciplinary action under
26 section, 3527, subdivision (a), in conjunction with subdivision
27 (c) of section 2234 of the Code, for repeated negligent acts, in

1 that he excessively used diagnostic procedures under the
2 circumstances regarding patients P.H., L.A.H., S.R., M.E.B.,
3 J.R., R.P., and M.P. described, respectively, in above numbered
4 paragraphs 9 to 22, which are incorporated by reference herein as
5 if fully set forth.

6 TWENTY-FIRST CAUSE OF ACTION

7 24. Respondent is subject to disciplinary action under
8 section 3527, subdivision (a), in conjunction with subdivision
9 (d) of section 2234 of the Code, for incompetence, in that he
10 excessively used diagnostic procedures under the circumstances
11 regarding P.H. described in above numbered paragraph 9 which is
12 incorporated by reference herein as if fully set forth.

13 TWENTY-SECOND CAUSE OF ACTION

14 25. Respondent is subject to disciplinary action under
15 section 3527, subdivision (a), in conjunction with subdivision
16 (d) of section 2234 of the Code, for incompetence, in that he
17 excessively used diagnostic procedures under the circumstances
18 regarding L.A.H. described in above numbered paragraph 10 which
19 is incorporated by reference herein as if fully set forth.

20 TWENTY-THIRD CAUSE OF ACTION

21 26. Respondent is subject to disciplinary action under
22 section 3527, subdivision (a), in conjunction with subdivision
23 (d) of section 2234 of the Code, for incompetence, in that he
24 excessively used diagnostic procedures under the circumstances
25 regarding S.R. described in above numbered paragraph 11 which is
26 incorporated by reference herein as if fully set forth.

27 TWENTY-FOURTH CAUSE OF ACTION

1 27. Respondent is subject to disciplinary action under
2 section 3527, subdivision (a) in conjunction with subdivision (d)
3 of section 2234 of the Code, for incompetence, in that he
4 excessively used diagnostic procedures under the circumstances
5 regarding M.E.B. described in above numbered paragraph 12 which
6 is incorporated by reference herein as if fully set forth.

7 TWENTY-FIFTH CAUSE OF ACTION

8 28. Respondent is subject to disciplinary action under
9 section 3527, subdivision (a) in conjunction with subdivision (d)
10 of section 2234 of the Code, for incompetence, in that he
11 excessively used diagnostic procedures under the circumstances
12 regarding J.R. described in above numbered paragraph 13 which is
13 incorporated by reference herein as if fully set forth.

14 TWENTY-SIXTH CAUSE OF ACTION

15 29. Respondent is subject to disciplinary action under
16 section 3527, subdivision (a), in conjunction with subdivision
17 (d) of section 2234 of the Code, for incompetence, in that he
18 excessively used diagnostic procedures under the circumstances
19 regarding R.P. described in above numbered paragraph 14 which is
20 incorporated by reference herein as if fully set forth.

21 TWENTY-SEVENTH CAUSE OF ACTION

22 30. Respondent is subject to disciplinary action under
23 section 3527, subdivision (a), in conjunction with subdivision
24 (d) of section 2234 of the Code, for incompetence, in that he
25 excessively used diagnostic procedures under the circumstances
26 regarding M.P. described in above numbered paragraph 15 which is
27 incorporated by reference herein as if fully set forth.

1 TWENTY-EIGHTH CAUSE OF ACTION

2 31. Respondent is subject to disciplinary action under
3 section 3527, subdivision (a), in conjunction with subdivision
4 (e) of section 2234 of the Code, for dishonesty, in that he
5 excessively used diagnostic procedures under the circumstances
6 regarding P.H. described in above numbered paragraph 9 which is
7 incorporated by reference herein as if fully set forth.

8 TWENTY-NINTH CAUSE OF ACTION

9 32. Respondent is subject to disciplinary action under
10 section 3527, subdivision (a), in conjunction with subdivision
11 (e) of section 2234 of the Code for dishonesty, in that he
12 excessively used diagnostic procedures under the circumstances
13 regarding L.A.H. described in above numbered paragraph 10 which
14 is incorporated by reference herein as if fully set forth.

15 THIRTIETH CAUSE OF ACTION

16 33. Respondent is subject to disciplinary action under
17 section 3527, subdivision (a), in conjunction with subdivision
18 (e) of section 2234 of the Code, for dishonesty, in that he
19 excessively used diagnostic procedures under the circumstances
20 regarding S.R. described in above numbered paragraph 11 which is
21 incorporated by reference herein as if fully set forth.

22 THIRTY-FIRST CAUSE OF ACTION

23 34. Respondent is subject to disciplinary action under
24 section 3527, subdivision (a), in conjunction with subdivision
25 (e) of section 2234 of the Code, for dishonesty, in that he
26 excessively used diagnostic procedures under the circumstances
27 regarding M.E.B. described in above numbered paragraph 12 which

1 regarding M.E.B. described in above numbered paragraph 12 which
2 is incorporated by reference herein as if fully set forth.

3 THIRTY-SECOND CAUSE OF ACTION

4 35. Respondent is subject to disciplinary action under
5 section 3257, subdivision (a), in conjunction with subdivision
6 (e) of section 2234 of the Code, for dishonesty, in that he
7 excessively used diagnostic procedures under the circumstances
8 regarding J.R. described in above numbered paragraph 13 which is
9 incorporated by reference herein as if fully set forth.

10 THIRTY-THIRD CAUSE OF ACTION

11 36. Respondent is subject to disciplinary action under
12 section 3527, subdivision (a), in conjunction with subdivision
13 (e) of section 2234 of the Code, for dishonesty, in that he
14 excessively used diagnostic procedures under the circumstances
15 regarding R.P. described in above numbered paragraph 14 which is
16 incorporated by reference herein as if fully set forth.

17 THIRTY-FOURTH CAUSE OF ACTION

18 37. Respondent is subject to disciplinary action under
19 section 3527, subdivision (a), in conjunction with subdivision
20 (e) of section 2234 of the Code, for dishonesty, in that he
21 excessively used diagnostic procedures under the circumstances
22 regarding M.P. described in above numbered paragraph 15 which is
23 incorporated by reference herein as if fully set forth.

24 THIRTY-FIFTH CAUSE OF ACTION

25 38. Respondent is subject to disciplinary action under
26 section 3527, subdivision (a), in conjunction with 2234,
27 subdivisions (a) and (e), of the Code, in that he presented a

1 fraudulent written claim to an insurance company for payment
2 under the circumstances regarding P.H. described in above
3 numbered paragraphs 4 and 9, which are incorporated by reference
4 herein as if fully set forth.

5 THIRTY-SIXTH CAUSE OF ACTION

6 39. Respondent is subject to disciplinary action under
7 section 3527, subdivision (a) in conjunction with 2234,
8 subdivisions (a) and (e), of the Code, in that he presented a
9 fraudulent written claim to an insurance company for payment
10 under the circumstances regarding L.A.H. described in above
11 numbered paragraphs 4 and 10, which are incorporated by reference
12 herein as if fully set forth.

13 THIRTY-SEVENTH CAUSE OF ACTION

14 40. Respondent is subject to disciplinary action under
15 section 3527, subdivision (a), in conjunction with 2234,
16 subdivision (a) and (e) of the Code, in that he violated section
17 2261 of the Code by making or signing an insurance claim form
18 which falsely represented the existence of a state of facts under
19 the circumstances regarding P.H. described in above numbered
20 paragraphs 4 and 9, which are incorporated by reference herein as
21 if fully set forth.

22 THIRTY-EIGHTH CAUSE OF ACTION

23 41. Respondent is subject to disciplinary action under
24 section 3527, subdivision (a), in conjunction with 2234,
25 subdivision (a) and (e), of the Code, in that he violated section
26 2261 of the Code by making or signing an insurance claim form
27 which falsely represented the existence of a state of facts under

1 the circumstances regarding L.A.H. described in above numbered
2 paragraphs 4 and 9, which are incorporated by reference herein as
3 if fully set forth.

4 THIRTY-NINTH CAUSE OF ACTION

5 42. Respondent is subject to disciplinary action under
6 section 3527, subdivision (a), in conjunction with 2234,
7 subdivision (a) and (e), of the Code, in that he violated section
8 2262 of the Code by creating a false medical record with
9 fraudulent intent under the circumstances regarding P.H.
10 described in above numbered paragraphs 4 and 9, which are
11 incorporated by reference herein as if fully set forth.

12 FORTIETH CAUSE OF ACTION

13 43. Respondent is subject to disciplinary action under
14 section 3527, subdivision (a), in conjunction with subdivisions
15 (a) and (e) of section 2234 of the Code, in that he violated
16 section 2262 of the Code by creating a false medical record with
17 fraudulent intent, under the circumstances regarding L.A.H.
18 described in above numbered paragraphs 4 and 9, which are
19 incorporated by reference herein as if fully set forth.

20 FORTY-THIRD CAUSE OF ACTION

21 44. Respondent is subject to disciplinary action under
22 section 3527, subdivision (a) in conjunction with 2234,
23 subdivision (e), of the Code committing acts of dishonesty. The
24 circumstances are as follows:

25 A. On or about May 19, 1989, respondent and Dr.
26 Hartley Aram, M.D., received a fictitious-name permit (No.
27 P-16071) from the State Board of Medical Quality Assurance,

1 authorizing their use of the name "Comprehensive Medical
2 Center" in lieu of their own names, after submitting an
3 application therefor wherein they affirmed over Dr. DeCady's
4 signature that the medical practice was wholly owned and
5 operated by them. The permit remained on paid and current
6 status up to January 15, 1991.

7 B. On or about October 18, 1989, A.H.C.I. filed
8 Articles of Incorporation with the Secretary of State of
9 California.

10 C. On or about May 15, 1990, a Statement of Domestic
11 Stock Corporation was filed with the Secretary of State of
12 California by A.H.C.I., listing therein respondent as Chief
13 Executive Officer and Nassar Lavaie as both Secretary and
14 Chief Financial Officer.

15 D. Respondent is a licensed physician assistant (No.
16 PA 12223) who worked under respondent's supervision at
17 Comprehensive during the period on or about November 1989 to
18 on or about December 1990.

19 E. From on or about November 1989 to on or about
20 December 1990, insurance payment checks for medical services
21 claimed as having been rendered to insured patients by
22 Comprehensive were endorsed for payment to A.H.C.I. and
23 deposited in the latter's bank accounts. A.H.C.I. paid
24 respondent \$1,600 a month for his services to
25 Comprehensive's patients.

26 F. On or about December 6, 1990, respondent informed
27 Medical Board personnel that he did not own Comprehensive,

1 and that he was an employee of A.H.C.I.

2 G. On or about January 10, 1991, Nassar Lavaie
3 informed Medical Board personnel that A.H.C.I. was employed
4 by Comprehensive to manage employees, equipment, billing and
5 maintenance for which it received a fixed fee from
6 Comprehensive through its owner, respondent.

7 H. On or about January 25, 1991, respondent informed
8 Medical Board personnel that insurance payment checks for
9 medical services claimed as having been rendered to insured
10 patients by Comprehensive are deposited in a bank account
11 from which A.H.C.I. is paid for its services to
12 Comprehensive by its owner, respondent.

13 I. On or about February 21, 1991, respondent informed
14 Medical Board personnel that he owned Comprehensive and that
15 Nassar Lavaie had asked him to supervise medical services at
16 Comprehensive.

17 J. On or about July 31, 1991, records seized from
18 Comprehensive pursuant to search warrant (No. 910059) showed
19 that respondent was paid at the rate of \$1600 a month by
20 A.H.C.I.

21 K. On or about August 21, 1991, banking records
22 seized pursuant to search warrant (No. 91-V-101) showed that
23 respondent, through Comprehensive, received check payments
24 from insurance companies and endorsed these checks over to
25 A.H.C.I., which then deposited them into its own accounts.

26 PRAYER

27 WHEREFORE, the complainant requests that a hearing be

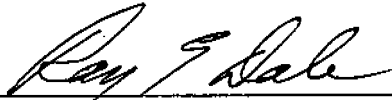
1 held on the matters herein alleged, and that following the
2 hearing, the Committee issue a decision:

3 1. Revoking or suspending Physician Assistant
4 Certificate Number PA-12223, heretofore issued to respondent
5 Aliakbar P.A Alavi;

6 2. Ordering respondent to pay the Committee the
7 actual and reasonable costs of the investigation and enforcement
8 of this case;

9 3. Taking such other and further action as the
10 Committee deems proper.

11 DATED: October 13, 1995

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15 Ray E. Dale
16 Executive Officer
17 Physician Assistant Examining Committee
18 Department of Consumer Affairs
19 State of California

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Complainant